

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

**JOHN PATRICK COUCH, M.D.**  
2001 Springhill Avenue  
Mobile, AL 36607

Physician's and Surgeon's Certificate No.  
G82209

Respondent

Case No. 800-2015-017238

**DEFAULT DECISION  
AND ORDER**

[Gov. Code §11520]

On September 22, 2016, an employee of the Medical Board of California (Board), served by Certified Mail a copy of Accusation and Petition to Revoke Probation No. 800-2015-017238, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 on John Patrick Couch, M.D. (Respondent) at his address of record with the Board, which was and is 2001 Springhill Avenue, Mobile, AL 36607. According to the U.S. Postal Service Tracking Information, on October 31, 2016, the certified mail was "delivered to agent." On November 18, 2016, a Board employee attempted to serve Respondent at an alternate address, 319 Woodbridge Drive, Daphne AL 36526-4049; that package was returned marked, "Return to Sender Attempted Not Known." (Exhibit Package, Exhibit 1<sup>1</sup>: Accusation and Petition to Revoke Probation, the related documents, Declarations of Service, U.S. Postal Service Tracking Information and returned envelope.)

Respondent did not respond to the Accusation and Petition to Revoke Probation. On November 1, 2016, an employee of the Attorney General's Office sent by certified mail addressed to Respondent at his address of record, a courtesy Notice of Default, advising Respondent of the Accusation and Petition to Revoke Probation, and providing Respondent with an opportunity to

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<sup>1</sup> The evidence in support of this Default Decision and Order is contained in the "Exhibit Package."

1 request relief from default. The envelope was returned by the Post Office, marked "Return to  
2 Sender Unable to Forward." (Exhibit Package, Exhibit 2: Courtesy Notice of Default, proof of  
3 service, returned envelope.)

#### 4 FINDINGS OF FACT

##### 5 I.

6 Complainant Kimberly Kirchmeyer is the Executive Director of the Board. The charges  
7 and allegations in Accusation and Petition to Revoke Probation No. 800-2015-017238 were at all  
8 times brought and made solely in the official capacity of the Board's Executive Director.

##### 9 II.

10 On or about March 20, 1996, the Board issued Decision No. 15-96-59900, under which  
11 probationary Physician's and Surgeon's Certificate No. G82209 was issued to Respondent. The  
12 probationary certificate was issued subject to three years probation, with terms and conditions.  
13 The probationary certificate is renewed and current with an expiration date of July 31, 2017.  
14 (Exhibit Package, Exhibit 3: Decision and Order in Case No. 15-96-59900; Exhibit Package,  
15 Exhibit 4: Certificate of License.)

##### 16 III.

17 On September 22, 2016, Respondent was served with an Accusation and Petition to Revoke  
18 Probation, alleging causes for discipline against Respondent. The Accusation and Petition to  
19 Revoke Probation and accompanying documents were duly served on Respondent. A Courtesy  
20 Notice of Default was thereafter served on Respondent. Respondent failed to file a Notice of  
21 Defense.

##### 22 IV.

23 The allegations of the Accusation and Petition to Revoke Probation are true as follows:

24 On August 27, 2015, Respondent surrendered to the Alabama State Board of Medical  
25 Examiners his authority to order, manufacture, distribute, possess, dispense, administer or  
26 prescribe controlled substances. The surrender occurred while Respondent was under

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1 investigation by the Alabama Board of Medical Examiners for the alleged prescribing of  
2 controlled substances for no legitimate medical purpose. (Exhibit Package, Exhibit 1, Attachment  
3 A: Voluntary Surrender of Alabama Controlled Substances Certificate issued by the Alabama  
4 State Board of Medical Examiners.)

5 The Board's Decision issuing Respondent's probationary certificate required Respondent to  
6 obey all federal, state and local laws, and all rules governing the practice of medicine in  
7 California, and provided that remaining outside the jurisdiction of California for a period of sixty  
8 days or more in a single year without prior Board consent would constitute a basis for the  
9 surrender or termination of the probationary certificate. The Decision further provided that if  
10 Respondent violated probation in any respect, the Board could revoke probation and terminate the  
11 probationary certificate. (Exhibit Package, Exhibit 3: Decision and Order in case No. 15-96-  
12 59900.)

### 13 DETERMINATION OF ISSUES

#### 14 I

15 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the  
16 Alabama State Board of Medical Examiners constitute cause for discipline within the meaning of  
17 Business and Professions Code sections 2305 and/or 141.

#### 18 II.

19 Pursuant to the foregoing Findings of Fact, Respondent's violation of prescribing and drug  
20 laws constitutes a violation of probation, and cause to revoke his probationary certificate.  
21 Further, Respondent has resided and practiced outside of California for more than sixty days,  
22 thereby subjecting his probationary certificate to revocation.

### 23 ORDER

24 IT IS SO ORDERED that Probationary Physician's and Surgeon's Certificate No. G82209,  
25 heretofore issued to Respondent John Patrick Couch, M.D., is **REVOKED**.

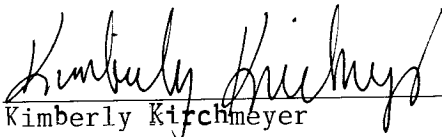
26 Respondent shall not be deprived of making a request for relief from default as set forth in  
27 Government Code section 11520, subdivision (c), for good cause shown. However, such showing  
28 must be made in writing by way of a motion to vacate the default decision and directed to the

1 Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within  
2 seven (7) days after service of the Decision on Respondent.

3 This Decision shall become effective on April 7, 2017.

4 It is so ORDERED March 9, 2017.

5  
6 MEDICAL BOARD OF CALIFORNIA  
7 DEPARTMENT OF CONSUMER AFFAIRS  
8 STATE OF CALIFORNIA

9 By   
10 Kimberly Kirchmeyer  
11 Executive Director  
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E-mail: Janezack.simon@doj.ca.gov  
6 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *Sept. 22 20 16*  
BY *[Signature]* ANALYST

7 **BEFORE THE**  
8 **MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

Case No. 800-2015-017238

12 **JOHN PATRICK COUCH, M.D.**  
13 2001 Springhill Avenue  
Mobile, AL 36607

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

14 **Physician's and Surgeon's Certificate**  
15 **No. G82209,**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation and Petition to Revoke  
21 Probation solely in her official capacity as the Executive Director of the Medical Board of  
22 California, Department of Consumer Affairs (Board).

23 2. On March 20, 1996, in Case No. 15-96-59900, the Medical Board issued a Decision  
24 under which probationary Physician's and Surgeon's Certificate Number G82209 was issued to  
25 John Patrick Couch, M.D. (Respondent). The probationary certificate was issued subject to three  
26 years' probation, with terms and conditions. The probationary certificate is renewed and current  
27 with an expiration date of July 31, 2017.

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3. The 1996 Decision required Respondent to, among other things, participate in the Board's then-existing Diversion Program, submit to biological fluid testing, and complete a clinical fellowship in pain management in the Department of Anesthesiology at UCLA School of Medicine. The basis for the Decision was Respondent's history of substance abuse. The Decision also contained a tolling provision under which periods of residence or practice outside California would not apply to the reduction of the probationary period. Respondent has been in tolled status since the date the certificate was issued.

## JURISDICTION

4. This Accusation and Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

6. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

### FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

7. On August 27, 2015, Respondent surrendered to the Alabama State Board of Medical Examiners his authority to order, manufacture, distribute, possess, dispense, administer or prescribe controlled substances. The surrender occurred while Respondent was under

1 investigation by the Alabama Board of Medical Examiners for the alleged prescribing of  
2 controlled substances for no legitimate medical purpose. A copy of the Voluntary Surrender of  
3 Alabama Controlled Substances Certificate issued by the Alabama State Board of Medical  
4 Examiners is attached as Exhibit A.

5 8. Respondent's conduct and the action of the Alabama State Board of Medical  
6 Examiners as set forth in paragraph 7, above, constitute unprofessional conduct and cause within  
7 the meaning of section 2305 and conduct subject to discipline within the meaning of section 141.

8 **CAUSE TO REVOKE PROBATION**

9 9. The Board's Decision issuing Respondent's probationary certificate required  
10 Respondent to obey all federal, state and local laws, and all rules governing the practice of  
11 medicine in California, and provided that remaining outside the jurisdiction of California for a  
12 period of sixty days or more in a single year without prior Board consent would constitute a basis  
13 for the surrender or termination of the probationary certificate. The Decision further provided that  
14 if Respondent violated probation in any respect, the Board could revoke probation and terminate  
15 the probationary certificate.

16 10. Respondent has resided and practiced outside of California for more than sixty days,  
17 and has failed to obey all laws and rules governing the practice of medicine, thereby subjecting  
18 his probationary certificate to revocation.

19 **PRAYER**

20  
21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking the probation granted by the Medical Board of California in Case  
24 No. 15-96-59900, and revoking or suspending probationary Physician's and Surgeon's Certificate  
25 Number G82209, issued to John Patrick Couch, M.D.;


26 2. Revoking, suspending or denying approval of Respondent's authority to supervise  
27 physician assistants, pursuant to section 3527 of the Code;

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1           3.    Ordering Respondent, if placed on probation, to pay the Board the costs of probation  
2 monitoring; and

3           4.    Taking such other and further action as deemed necessary and proper.

4  
5 DATED: September 22, 2016

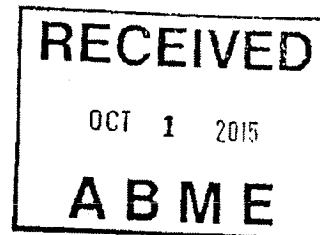
  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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# **EXHIBIT A**

STATE OF ALABAMA            )  
  )  
MONTGOMERY COUNTY        )



**VOLUNTARY SURRENDER OF  
ALABAMA CONTROLLED SUBSTANCES CERTIFICATE**

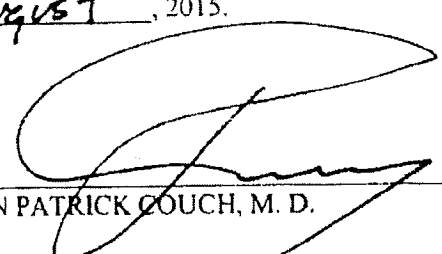
After being fully advised of my rights, and understanding that I am not required to surrender my controlled substances privileges, I freely execute this document and choose to take the actions described herein.

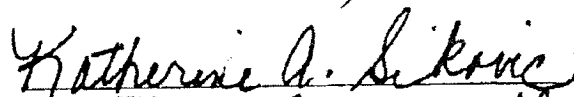
I, **John Patrick Couch, M. D.**, surrender any authority under my Alabama Controlled Substances Certificate, ACSC number ACSC.20444, to order, manufacture, distribute, possess, dispense, administer or prescribe Schedule II, IIN, III, IIN, IV and/or V controlled substances. I acknowledge that this action is taken by me while under investigation by the Alabama Board of Medical Examiners for the alleged prescribing of controlled substances for no legitimate medical purpose and violation of Alabama Board of Medical Examiners Rules concerning the prescribing of controlled substances.

I understand and acknowledge I will have no authority to order, dispense, distribute, administer or prescribe controlled substances in the state of Alabama.

I acknowledge that I sign this document willingly and that I execute it as my free and voluntary act for the purposes herein expressed, and that I am of sound mind and under no constraint or undue influence. I further acknowledge that this voluntary surrender constitutes a public record of the Alabama State Board of Medical Examiners and will be reported by the Board to the National Practitioner Data Bank (NPDB) and to the Federation of State Medical Boards. This voluntary surrender may be released by the Alabama State Board of Medical Examiners to any person or entity requesting information concerning the licensure status in Alabama of the physician named herein.

EXECUTED this 27 day of August, 2015.

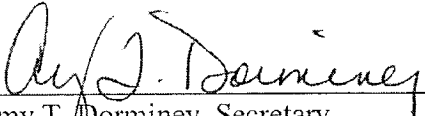
  
JOHN PATRICK COUCH, M. D.

  
Witness/Title  
Notary State at Large  
3-13-2017

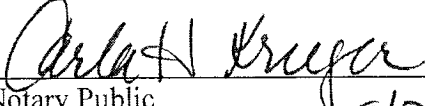
STATE OF ALABAMA                    )  
  )  
MONTGOMERY COUNTY                )

CERTIFICATION

I, Amy T. Dorminey, Secretary and Custodian of Records for the Alabama Board of Medical Examiners, 848 Washington Avenue, P.O. Box 946, Montgomery, Alabama 36101-0946, hereby certify that the attached document: Voluntary Surrender of Alabama Controlled Substances Certificate dated August 27, 2015, is a true and correct copy of said document which is on file with the Alabama Board of Medical Examiners in the matter of JOHN PATRICK COUCH, M. D., that said document is kept and maintained in the regular course of business of the Board, and that it is the regular course of business of the Board to keep and maintain such documents.

  
\_\_\_\_\_  
Amy T. Dorminey, Secretary

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 9/30/19